

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LAKEWOOD HEALTH SYSTEM  
AND NORTHWEST MEDICAL  
CENTER,

Plaintiffs,

V.

Civil Action No. 07-69-GMS

TRIWEST HEALTHCARE  
ALLIANCE CORP.,

Defendant.

## NOTICE OF CROSS APPEAL

Notice is hereby given that TriWest Healthcare Alliance Corp., defendant in the above-titled action and appellee by virtue of Plaintiffs' June 24, 2008 Notice of Appeal to the United States Court of Appeals for the Third Circuit (D.I. 40), cross appeals to the same Court from the order entered in this action on May 30, 2008, dismissing plaintiffs' Complaint (D.I. 35).

Respectfully submitted,

OF COUNSEL

Robert S. Ryland

Robert R. Gasaway

Ashley C. Parrish

Scott M. Abeles

KIRKLAND & ELLIS LLP

655 Fifteenth Street, N.W., Suite 1200

Washington, D.C. 20005

Telephone: (202) 879-5000

Facsimile: (202) 879-5200

/s/ Matthew F. Lintner

Lewis H. Lazarus (#2374)

Matthew F. Lintner (#4371)

Katherine J. Neikirk (#4129)

MORRIS JAMES LLP

500 Delaware Avenue, Suite 1500

Wilmington, Delaware 19801.

Telephone: (302) 888-6800

Facsimile: (302) 571-1750

llazarus@morrisjames.com

mlintner@morrisjames.com

kneikirk@morrisjames.com

*Attorneys for Defendant*

*TriWest Healthcare Alliance Corp.*

Dated: July 3, 2008